

# **EXHIBIT 51**

# **REDACTED**

Page 1

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE EASTERN DISTRICT OF TEXAS  
3 SHERMAN DIVISION

4 - - -

5 STATE OF TEXAS et al., : CASE NO.  
6 : 4:20-CV-00957-  
7 Plaintiffs, : SDJ  
8 :  
9 v. :  
10 :  
11 GOGLE, LLC, :  
12 :  
13 Defendants. :  
14 :  
15 - HIGHLY CONFIDENTIAL -  
16 PURSUANT TO PROTECTIVE ORDER

17 - - -

18 May 1, 2024

19 - - -

20 Videotaped deposition of [REDACTED] Ph.D.,  
21 taken pursuant to notice, was held at the law  
22 offices of Axinn, Veltrop & Harkrider LLP, 114 West  
23 47th Street, New York, New York, beginning at  
24 9:08 a.m., on the above date, before Michelle L.  
25 Gray, a Registered Professional Reporter, Certified  
Shorthand Reporter, Certified Realtime Reporter,  
Certified Court Reporter and Notary Public.

26 - - -

27 Job No. MDLG6673130

Page 2

1 APPEARANCES:

2  
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8 - and -

9 NORTON ROSE FULBRIGHT US LLP  
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17 THE LANIER LAW FIRM  
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24 Representing the Plaintiffs, States of  
25 South Carolina, Indiana, Idaho, Louisiana,  
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Page 3

1 APPEARANCES: (Cont'd.)  
2

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4 OFFICE OF THE ATTORNEY GENERAL  
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15 AXINN, VELTROP & HARKRIDER LLP  
16 BY: DAVID R. PEARL, ESQ.  
17 BY: SANDHYA TANEJA, ESQ.  
18 BY: SAM D. SHERMAN, ESQ.  
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Witness

Page 4

1 ADDITIONAL APPEARANCES: (Cont'd.)  
2  
3

4 VIDEOTAPE TECHNICIANS:  
5  
6

Danny Ortega - in person

Jonathan Juarez - in person

(Golkow)

7  
8 LITIGATION TECHNICIAN:  
9

Vince Rosica - Zoom

(Golkow/Precision Trial Solutions)

10  
11  
12 ALSO PRESENT:  
13

[REDACTED] - in person

(Inhouse Google)

14  
15 Jonathan Jaffe - Zoom  
16

(Consultant)

17 - - -  
18  
19  
20  
21  
22  
23  
24  
25

Page 9

1

- - -

2

THE VIDEOGRAPHER: We are now  
3 on the record.

4

My name is Daniel Ortega, and  
5 I'm the legal videographer for  
6 Golkow Litigation Services.

7

Today's date is May 1st, 2024,  
8 and the time is 9:08 a.m.

9

10

This video deposition is being  
held at 114 West 47th Street, New  
11 York, New York, in the matter of the  
12 State of Texas et al. versus Google  
13 LLC.

14

The deponent today is [REDACTED]

15

All counsel will be noted on  
16 the stenographic record.

17

The court reporter today is  
18 Michelle Gray and will now swear in  
19 the witness.

20

- - -

21

... [REDACTED] Ph.D., having  
22 been first duly sworn, was examined  
23 and testified as follows:

24

- - -

25

EXAMINATION

Page 10

1

- - -

2

BY MR. HANSUM:

3

Q. All right. Good morning, [REDACTED]

4

A. Good morning.

5

Q. [REDACTED] my name is Talbot Hansum.

6

I'm here on behalf of the states that are suing  
7 Google in this case.

8

[REDACTED], can we begin by having you  
9 state your full name for the record?

10

A. My official name is [REDACTED].

11

Last name is [REDACTED] But I go by [REDACTED] at Google.

12

Q. Okay. And I want to run through  
13 some of the ground rules for a deposition.

14

Have you ever been deposed before?

15

A. No.

16

Q. Okay. So in a deposition, the court  
17 reporter is recording every word that I say and  
18 every word that you say.

19

I will ask you questions, and if you  
20 will give a moment pause after my question to give  
21 your counsel an opportunity to provide any  
22 objections that they may have, and then proceed  
23 with your answer.

24

Do you understand that?

25

A. Yes.

1                   specific part of Google revenue  
2                   coming from DoubleClick for  
3                   Publishers.

4 BY MR. HANSUM:

5                   Q.            Okay. So while EDA was a yield  
6 optimization technique, it also increased Google's  
7 revenue; is that fair?

8                   MR. PEARL: Objection. Form.

9                   THE WITNESS: Yes. It  
10                   increased Google's revenue and also  
11                   publishers' revenue.

12 BY MR. HANSUM:

13                   Q.            Okay. How would you label cross  
14 priority ranking and EDA as a -- would you call it  
15 an experiment, or a feature? What would be the way  
16 that you would normally label that?

17                   MR. PEARL: Objection. Form.

18                   THE WITNESS: It's part of  
19                   feature software engineer practice.

20                   It start from ideas,  
21                   experimentation. There are other  
22                   failures. Some of them will  
23                   eventually implement and roll out  
24                   and become a, quote, unquote,  
25                   features the publisher can use.

Page 90

1                   And so this -- it goes -- this  
2                   -- either went to multiple stages  
3                   and over a long course of the time.

4 BY MR. HANSUM:

5                   Q.           That's fine. I'm trying to  
6 understand just what you call these things that  
7 have names. So like we talked about DRS and EDA  
8 and now CPR.

9                   Do you call all of those features --  
10 what would you, in your day-to-day job, call those?

11                  MR. PEARL: Objection. Form.

12                  THE WITNESS: I think we just  
13 refer just by name. So, yeah, CPR  
14 is one idea to yield optimize the  
15 other ideas, many other ideas. And,  
16 yeah, they are all -- but either  
17 refer by names will make it very  
18 clear which ideas we are -- for  
19 software engineer to communicate,  
20 which idea we are working on.

21 BY MR. HANSUM:

22                  Q.           Okay. I'm going to list a couple of  
23 ideas that I understand as yield optimization  
24 ideas.

25                  A.           Okay.

Page 91

1 Q. And I just want you to confirm that  
2 they are.

3 A. Sounds good.

4 Q. So cross priority ranking, or CPR,  
5 is a yield optimization idea; is that correct?

6 A. Yes.

7 Q. And enhanced dynamic allocation,  
8 which I understand is another name for cross  
9 priority ranking, is also a yield optimization  
10 idea; is that right?

11 A. It should be the same as cross  
12 priority ranking, but yes.

13 Q. Okay.

14 A. EDA, or enhanced dynamic allocation,  
15 it's a yield optimization idea.

16 Q. Okay. And dynamic revenue share, or  
17 DRS, is also a yield optimization idea; is that  
18 fair?

19 A. Yes.

20 Q. Okay. And a project called Project  
21 Bernanke is also a yield optimization idea; is that  
22 right?

23 MR. PEARL: Objection. Form.

24 THE WITNESS: I heard of the  
25 Project Bernanke, but I don't work

Page 92

1                   on buy-side.

2 BY MR. HANSUM:

3                   Q.            Okay. And UPR are unified pricing  
4                   rules. Have you heard of that?

5                   A.            Yes.

6                   Q.            And is that a yield optimization  
7                   idea?

8                   A.            Yes.

9                   Q.            Okay. And reserve price  
10                   optimization, or RPO, is that a yield optimization  
11                   idea?

12                   A.            Yes. That's another idea.

13                   Q.            Okay. So I just listed CPR, EDA --  
14                   you understand those to be the same thing -- DRS,  
15                   Bernanke, UPR, and RPO, right?

16                   A.            Yes.

17                   I cannot speak more on Bernanke  
18                   since I don't work on that.

19                   Q.            Okay. Let's -- so we'll put  
20                   Bernanke aside just for a second.

21                   So CPR and EDA, DRS, UPR, and RPO.

22                   Sorry. Just to be clear, I didn't  
23                   say EPR, I said UPR.

24                   A.            Unified pricing rules.

25                   Q.            Correct, yes. Although those are

Page 167

1                   what -- how much they know. Our  
2                   client managers handle that.

3 BY MR. HANSUM:

4                   Q.         Does Google post the details of the  
5 experiments on its web page?

6                   A.         Usually not. I don't think so.

7                   Q.         Okay. Does Google issue e-mails or  
8 bulletins that let publishers and advertisers know  
9 about the details of its experiment on live  
10 auctions?

11                  MR. PEARL: Objection. Form.

12                  THE WITNESS: I don't work on  
13                   our site communications.

14 BY MR. HANSUM:

15                  Q.         Are you aware of Google issuing  
16 e-mails or bulletins that let publishers and  
17 advertisers know about the details of its  
18 experiments on live auctions?

19                  A.         I don't handle client communication.

20                  Q.         I understand you don't handle, but  
21 does that mean you're also not aware of that  
22 happening?

23                  A.         Yeah. I'm not aware. I'm not part  
24 of the communication process.

25                  Q.         Okay.

Page 168

1                   Do you consider the details of  
2 Google's experiments to be Google confidential  
3 information?

4                   MR. PEARL: Objection. Form.

5                   THE WITNESS: Can you say more  
6                   on the details?

7 BY MR. HANSUM:

8                   Q.           Do you consider information about  
9 Google's experiments, like the goals or how they  
10 are implemented, to be Google confidential  
11 information?

12                  A.           Can you say more about legal?  
13 What -- which part of information you think it's in  
14 the scope you think?

15                  Q.           Well, let's take a specific example.  
16 So we talked about dynamic revenue share earlier.

17                  A.           Okay.

18                  Q.           The details of how dynamic revenue  
19 share works within Google's code, do you consider  
20 that to be confidential?

21                  MR. PEARL: Objection. Form.

22                  THE WITNESS: So part of  
23 the -- this intellectual property  
24 involved, and also depends on which  
25 part of stages we talk about before.

During the experimentation, because there are many variants of even dynamic rev shares, there's so many changes, and we change the algorithm all the time to tweak, to maximize yield.

There's no one even particular set that's -- can be written down. And I don't know even it's worthwhile, and I don't handle outside communication with clients.

12 BY MR. HANSUM:

13 Q. Have you ever shared any source code  
14 related to dynamic revenue sharing with someone  
15 outside of Google?

16 A. Never.

17 Q. Okay. So what led us down all of  
18 these questions is my question about the second  
19 bullet point on the screen here of. [REDACTED]

21 | The document says,

24 What I'm trying to understand, [REDACTED]  
25 [REDACTED] is why did the project managers revising this

Page 170

1  
2  
3

4 MR. PEARL: Objection. Form.

5 I'll caution the witness not  
6 to reveal the content of any  
7 communications with lawyers in your  
8 response.

9 THE WITNESS: I was not with  
10 AdX before this change. I was on  
11 DoubleClick for Publishers.

12 So I had very little knowledge  
13 on what was involved before.

14 BY MR. HANSUM:

15 Q. All right. Go down to the page  
16 ending in 4871. In the --

17 A. 4871?

18 Q. Yeah. Top right. It's Page 5.

19 MR. PEARL: Do you mean 187?

20 MR. HANSUM: Sorry. 184. Let  
21 me scroll over.

22 THE WITNESS: Oh, 184. That's  
23 the same page. Oh, next page.

24 Okay.

25 MR. HANSUM: Next page.

Page 345

1 CERTIFICATE  
2  
3  
4

I HEREBY CERTIFY that the witness  
was duly sworn by me and that the deposition is a  
true record of the testimony given by the witness.

It was requested before completion  
of the deposition that the witness, [REDACTED] Ph.D.,  
have the opportunity to read and sign the  
deposition transcript.

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MICHELLE L. GRAY,  
A Registered Professional  
Reporter, Certified Shorthand  
Reporter, Certified Realtime  
Reporter, Certified Court Reporter  
and Notary Public

Dated: May 2, 2024

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